



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 18 2005

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Matthew A. Love
Director, Environmental Affairs
Exide Technologies
3000 Montrose Avenue
Reading, Pennsylvania 19605

RE: CERCLA Off-Site Rule: Notice of Unacceptability for
Refined Metals Corporation in Memphis, Tennessee
EPA I.D. No. TND 067 690 040

Dear Mr. Love:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Region 4 has determined that conditions exist at **Refined Metals Corporation (Refined Metals)** located at **257 West Mallory Avenue in Memphis, Tennessee** which render this facility unacceptable for the receipt of CERCLA off-site waste. The CERCLA Off-Site wastes to which this Notice of Unacceptability applies are defined as those wastes generated as a result of activities authorized pursuant to, or funded by, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The receipt of these CERCLA wastes by facilities is regulated by the Off-Site Rule (OSR) found at 40 C.F.R. § 300.440; and at 58 FR 182 pages 49200 - 49218, September 22, 1993.

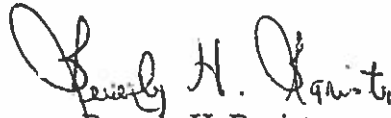
This determination of unacceptability becomes effective on the date of this letter. The reason for this determination of unacceptability is not due to violations or releases, but due to the fact that this facility is closed and can no longer accept waste. Refined Metals in Memphis, Tennessee will remain unacceptable until such time as (1) the owners petition EPA to be found acceptable for the receipt of CERCLA off-site waste, (2) EPA conducts an evaluation as described in 40 C.F.R. § 300.440(b) of the OSR, and (3) after EPA notifies the owner/operator of their change in status under the OSR.

In the event that Exide Technologies; owner of the Refined Metals facility in Memphis, Tennessee; wishes to contest this Notice of Unacceptability, the Off-Site Rule provides the owner/operator of this facility with an opportunity to request an informal conference with responsible officials to discuss the basis for the facility's unacceptable determination under the rule. **The written request for an informal conference must be made within ten (10) calendar days from the date of this notice.**

Upon receipt of a timely written request, EPA shall provide the opportunity for such conference no later than thirty (30) calendar days after the issuance of this notice, if possible. During the informal conference Refined Metals may discuss with EPA the basis for this notice. Furthermore, Refined Metals may submit written comments within thirty (30) days from the issuance of this notice in addition to, or in lieu of, requesting an informal conference. The failure to request an informal conference or submit written comments will result in no further consideration by EPA.

If you have any questions concerning this notice, please contact Jack Cowart by telephone at (404) 562-8591 or by e-mail at cowart.jack@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly H. Banister".

Beverly H. Banister
Acting Director
Waste Management Division

Enclosure

cc: Jason Simpson, TDEC, Division of Solid Waste, Memphis Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

[DEC 02 1994]

4WD-RCRA

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jay Kellis
Environmental Manager
Refined Metals Corporation
257 West Mallory Avenue
Memphis, Tennessee 38109

SUBJ: CERCLA Off-Site Rule: Affirmative Determination of
Acceptability for Refined Metals Corporation,
Memphis, Tennessee

Dear Mr. Kellis:

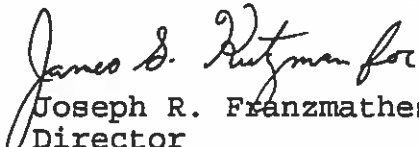
This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at Refined Metals Corporation (REFINED), Tennessee, EPA I.D. No. TND 067 690 040. Pursuant to 40 C.F.R. Section 300.440(a)(4), EPA has completed an initial assessment of REFINED, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as those wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987 OSWER Directive (No. 9834.11), known as the Off-site Policy. The Off-site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

On April 21, 1994, the Tennessee Department of Environment and Conservation (TDEC) conducted a Compliance Evaluation Inspection (CEI) of REFINED, to determine REFINED's compliance with the Resource Conservation and Recovery Act (RCRA). The results of the April 21, 1994, CEI, indicate that REFINED is currently in compliance with RCRA, and other applicable environmental standards. Therefore, effective upon receipt of this letter REFINED is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, the Agency reserves the right to revisit this decision. By issuing this notice, EPA is in no way authorizing REFINED to undertake any waste management practice at the facility for which REFINED has not been previously authorized by TDEC or EPA.

If you have any questions concerning this matter, please contact Edmond J. Burks, Regional Off-Site Contact, Region 4, at (404) 347-7603.

Sincerely yours,


Joseph R. Franzmathes
Director
Waste Management Division

Enclosure

1. Off-Site Rule

cc: Tom Tiesler, Director,
Division of Solid Waste Management, TDEC
Jim Reaves, Division of Air Pollution Control, TDEC
Mark Thomas, TDEC Memphis Field Office
The following w/o enclosure:
David Eberly, Office of Solid Waste, EPA-HQ
Region 1-10, Off-site Coordinators
Jeaneanne Gettle, RCS, Region 4
Rolando Bascumbe, Office of Regional Counsel, EPA Region 4

address:

Mark Thomas,
Tennessee Department of Environment and
Conservation
Memphis Field Office,
2510 Mt. Moriah, Perimeter Business Park,
Suite E-645, Memphis, Tennessee 38115

Mr. Tom Tiesler, Director
Division of Solid Waste Management
Tennessee Department of Environment
and Conservation
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1535